Docket No. CRD5046USNP0

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Donald K. Jones, et al.

Serial No.: 10/738,477

ArtUnit: 3763

Filed

: December 17, 2003

Examiner: N. D. Lucchesi

For

: Activatable Bioactive Implantable Medical Device and Method Of Use

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

April 25, 2007
(Date of Deposit)

Michael W. Montgomery
(Name of applicant, assignes, or Registered Representative)

April 25, 2007

(Date of Signature)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

FOURTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on May 25, 2006.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §\$1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☐ In accordance with \$1.97(b), since this Information

Disclosure Statement is being filed either within three months

of the filing date of the above-identified national application

(other than a continued prosecution application under

\$1.53(d)), within three months of the date of entry into the

national stage of the above identified application as set forth

in \$1.491, or before the mailing date of a first Office Action

on the merits of the above-identified application, or before

the mailing date of a first Office Action after the filing of a

request for continued examination under \$1.114, no additional

fee is required.

☐ In accordance with \$1.129(a), this Information

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Disclosure Statement is	being	filed in	connectio	n with [] the
first or \square second Afte	r Final	Submiss	ion, there	fore:	
☐ Statemer	nt in Ac	ccordance	with §1.9	7(e)	
(attache	ed); or				
☐ Please o	harge D	eposit A	account No.	10-	
0750/	/	the fee	of \$180.00	as set	forth
in §1.17	'(p).				

In accordance with §1.97(c), this Information
Disclosure Statement is being filed after the period set forth
in §1.97(b) above but before the mailing date of either a Final
Action under §1.113 or a Notice of Allowance under §1.311, or
an action that otherwise closes prosecution and that it is
accompanied by one of:

	Statement in Accordance with \$1.97(e)
	(attached); or
	Please charge Deposit Account No. 10-
	0750/ / the fee of $$180.00$ as set forth
	in §1.17(p).
☐ In	accordance with \$1.97(d), this Information
Disclosure St	atement is being filed after the mailing date of
either a Fina	l Action under §1.113 or a Notice of Allowance
under §1.311	but before the payment of the Issue Fee.
Applicant(s)	hereby petition(s) for consideration of this
Information D	isclosure Statement. Included are: Statement in
Accordance wi	th §1.97(e) as set forth below and the fee of
\$180.00 as se	t forth in \$1.17(p).
	pies of each of the references listed on the PTO-1449 are enclosed herewith.
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attached Form	on PTO-1449 are enclosed herewith. Doies of references listed on the attached Form PTO cosed herewith EXCEPT THAT: In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
attached Form	PTO-1449 are enclosed herewith. Dies of references listed on the attached Form PTO cosed herewith EXCEPT THAT: In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith. If any of the foregoing publications are not
attached Form	PTO-1449 are enclosed herewith. Dies of references listed on the attached Form PTO Dosed herewith EXCEPT THAT: In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith. If any of the foregoing publications are not available to the Examiner, Applicant will

 \boxtimes There are no listed references which are not in the English language. The relevance of those listed references which are not in the English language is as follows: Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D. Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/CRD5046USNP0/MWM. This form is submitted in triplicate. Respectfully submitted, chael W. Montgomer Keg. No. 35,9⁄58 Attorney for Applicants Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (786) 313-2922 DATED: April 25, 2007

PTO/SB/08A (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)
Sheet 1 of 1

u	o a collection of information unless it displays a valid OMB control number.				
1	Application Number	10/738,477			
	Filing Date	December 17,2003			
I	First Named Inventor	Donald K. Jones, et al.			
1	Group Art Unit	3763			
Ì	Examiner Name	N. D. Lucchesi			
	Attorney Docket Number	CRD5046USNP0			

U.S. PATENT DOCUMENTS

		U.S. Patent Do	cument	Date Date		Pages, Columns, Lines,
Examiner Initials	Cite No. ¹	Number known)	Kind Code ² (if	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	where relevant passages or relevant figures appear
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FOREIGN PATENT DOCUMENTS

															Foreign	oreign Patent Document		Name of Patentee or	Date of Publication of Cited Document	Pages, Columns, Lines, where relevant	
Examiner Initials	Cite No. ¹	Office ³ Number ⁴ KindCode ⁵			Applicant of Cited Document	mm-dd-yyyy	passages or relevant figures appear	Т ⁶													
		CA	2,132,293		Hercules, Inc.	03-30-1995															

	12.104			
Examiner		Da	ite	
Signature		Co	nsidered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

¹ Unique citation designation number, 2 See attached Kinds of U.S. Patent Documents, 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible, 6 Applicant is to place a check mark here if English language Translation is attached.

SUBMISSION UNDER MPEP 609 D

Application Number 10/738,477

Filing Date June 15, 2004

First Named Inventor Donald K. Jones, et al.

Group Art Unit 3763

Examiner Name N. D. Lucchesi

Attorney Docket Number CRD5046USNP0

U.S. PATENT DOCUMENTS

Page 1 of 1

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			U.S. Patent Docu	ıment	
Examiner Initials	Cite No.1	Name of Patentee or Applicant of Cited Document	Number	Kind Code ² (if known)	Pages, Columns, Lines, where relevant passages or relevant figures appear

FOREIGN PATENT DOCUMENTS Pages, Columns, Lines, where relevant passages Foreign Patent Document Name of Patentee or or relevant figures Examiner Cite T⁶ Applicant of Cited Document Number⁴ KindCode⁵ appear Office³ Initials No.1 OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), T^2 Cite No.1 title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), Examiner volume-issue number(s), publisher, city and/or country where published Initials* Canadian Search Report dated February 9, 2007 for corresponding Appln. No. CA 2,490,343

Examiner	Date	
Signature	Considered	